

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**C. M. COLLINS, N. J. LUNDY and R. C.
L. MAYS, individually and on behalf of all
others similarly situated,**

Plaintiffs,

VS.

**CATASTROPHE RESPONSE UNIT,
INC. and CATASTROPHE RESPONSE
UNIT USA, INC.,**

Defendants.

CIVIL ACTION NO. 4:22-cv-1073

**DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL AN
EXHIBIT TO THEIR AMENDED MOTION TO COMPEL DISCOVERY**

TO THE HONORABLE U.S. DISTRICT JUDGE SEAN JORDAN:

Defendants Catastrophe Response Unit, Inc. and Catastrophe Response Unit USA, Inc. (collectively, “CRU”) hereby file this Unopposed Motion to File Under Seal an Exhibit to Their Amended Motion to Compel Discovery, pursuant to Rule 5.2 of the Federal Rules of Civil Procedure, LR CV-5(a)(7) of the Local Rules of the U.S. District Court for the Eastern District of Texas, and the Court’s Protective Order [Dkt. 19].

1. To protect and preserve the confidential status of certain personal and confidential information, the parties agreed to a Protective Order, which was entered by this Court on April 11, 2023 [Dkt. 19].

2. Under Paragraph 14 of the Protective Order, materials and information that the parties have designated as “Confidential Information” must be filed with the Court under seal.

3. “[D]istrict courts have the discretion to seal documents if the interests favoring nondisclosure outweigh the presumption in favor of the public’s right to access.” *E.E.O.C. v. A’Gaci, LLC*, No. SA:14-MC-445-DAE, 2015 WL 510254 at *2 (W.D. Tex. Feb. 5, 2015).

4. Courts have recognized the need to protect from public disclosure, and have therefore granted, motions to seal records and filings that would reveal confidential information under similar circumstances. *See, e.g., Stuntz v. Lion Elastomers LLC*, No. 1:17-CV-00033-MAC, 2019 WL 2720330, at *12 (E.D. Tex. June 12, 2019) (granting motion to seal summary judgment and exhibits containing sensitive personal information); *see also Neon Enter. Software, LLC v. Int’l Bus. Machines Corp.*, No. A-09-CA-896 AWA, 2011 WL 2964796, at *1 (W.D. Tex. July 20, 2011) (“It is not uncommon for a court to seal documents filed in a case when those records contain trade secrets, sensitive commercial information, privileged material, individual personal identifiers, personal medical information, or material impacting national security.”).

5. CRU respectfully requests to file under seal an exhibit to their Amended Motion to Compel Discovery, because Plaintiffs designated the exhibit as “Confidential Information” pursuant to the Protective Order.¹

6. Plaintiffs are not opposed to the relief sought in this Motion.

¹ Defendants ardently disagree that these Facebook documents are worthy of the confidential designation because all of the information displayed is public and for all the world to see.

PRAYER

For all these reasons, CRU respectfully requests permission to file under seal an exhibit to their Amended Motion to Compel Discovery, which is being filed contemporaneously with this Motion.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

On February 9, 2024, I discussed the relief sought herein with Plaintiffs' counsel. Plaintiffs' counsel has communicated that Plaintiffs are not opposed to the relief sought herein.

Monte K. Hurst
Monte K. Hurst

CERTIFICATE OF SERVICE

I certify that on February 9, 2024, I served a copy of the foregoing document on Plaintiffs' counsel as follows in compliance with Rule 5(b) of the Federal Rules of Civil Procedure:

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